

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA  
(MARTINSBURG)**

JULIE ANN HAMSTEAD,

Plaintiff,

v.

CIVIL ACTION NO.: 3:18-CV-79  
(GROH)

WEST VIRGINIA STATE POLICE, et al.,

Defendants.

**MOTION TO DISMISS FILED BY JEFFERSON CONTRACTING, INC., JEFFERSON  
ASPHALT PRODUCTS CO., JOHN TIMOTHY MORRIS, ALLEN SHUTTS, AND  
DALE DEGRAVE**

AND NOW come Jefferson Contracting, Inc., Jefferson Asphalt Products Co., John Timothy Morris, Allen Shutts, and Dale DeGrave (collectively the “moving Defendants”), by and through counsel, Avrum Levicoff, Esquire, Edward Levicoff, Esquire and The Levicoff Law Firm, P.C., and pursuant to Federal Rule of Civil Procedure 12(b)(6), move this Court to dismiss all of Plaintiff’s claims asserted against these moving Defendants. In support of the Motion, these moving Defendants demur to all of the claims asserted against them, as the thrust of the Complaint seeks recovery for wrongs allegedly perpetrated against the Plaintiff by governmental and law enforcement actors, and not by these private Defendants. In further support of this Motion, these moving Defendants join in and incorporate the arguments raised in the Motions to Dismiss previously filed by Defendants Master Patrolman Jason Newlin and City of Charles Town (ECF Doc. Nos. 13 and 14), Defendant Charles Town General Hospital (ECF Doc. Nos. 9 and 10), Defendants City of Ranson and Sergeant Keith Sigulinsky (ECF Doc. Nos. 4 and 5), and Defendants Rodney Hedrick and West Virginia Division of Highways (ECF Doc. Nos. 15 and 16),

as set forth more fully in the accompanying Memorandum of Law in support of this Motion which is incorporated herein at length and in full.

WHEREFORE, these moving Defendants respectfully request that this Honorable Court dismiss all Counts asserted against them in their entirety and with prejudice.

Respectfully submitted;

Date: June 7, 2018

By: /s/ Edward I. Levicoff  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2018, I electronically filed the foregoing **Motion to Dismiss Filed by Jefferson Contracting, Inc., Jefferson Asphalt Products, Co., John Timothy Morris, Allen Shutts, and Dave DeGrave** with the CM/ECF which will send notification of such filing to the following participants:

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